

**FILED
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

2006 MAR 13 P 4:30

| | | |
|------------------------------|---|----------------------|
| Christopher A. Moore |) | U.S. DISTRICT COURT |
| Plaintiff |) | DISTRICT OF MASS. |
| |) | |
| MARY LOU MOORE ESTATE |) | |
| Plaintiff |) | |
| |) | |
| v. |) | CIVIL ACTION |
| |) | |
| KINDRED HEALTHCARE OPERATING |) | |
| INC., et al |) | NO:1:05-cv-11732-MLW |
| Defendants |) | |

REQUEST FOR REINSTATEMENT, REVERSAL OF DISMISSAL

On March 11, 2006 Plaintiff received in the mail an order dismissing, without prejudice, the complaint in the above referenced case. The dismissal was made because the court had not received a response from the Plaintiffs to a January 26, 2006 Memorandum and Order of the court. That Memorandum and Order required the Plaintiffs to submit a new application within thirty five days of the January 26, 2006 court order.

What the court did not know is that the Plaintiff's never received the January 26, 2006 Memorandum and Order. No notice of the order was ever delivered to the Plaintiffs and as such the Plaintiffs were never made aware that any such order had been made.

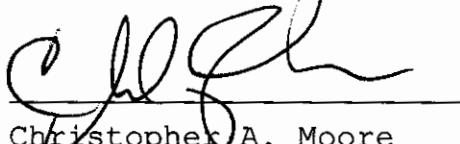
The very first time that the Plaintiffs became aware of the Memorandum and Order was today, March 11, 2006 when the order of dismissal was received in the mail.

Plaintiffs have been faithful in complying with court directives and would have filed the new application had Plaintiff's been informed of the court order.

Accordingly, Plaintiffs' are filing the new and completed application requested by the Memorandum and Order and are doing so on March 13, 2006 which is the next date that the court is open for business. The filing, which is attached to this notice, will have been hand delivered to the Clerk's Office.

Plaintiffs' are requesting that the court accept the Plaintiffs' new and completed application attached to this notice. Plaintiffs further ask that the court remove and/or reverse the dismissal of this case based on the fact that the Plaintiffs never received any notification of the January 26, 2006 Memorandum and Order, and that when the Plaintiffs were made aware of the Memorandum and Order on March 11, 2006, the Plaintiffs immediately complied with the Memorandum and Order of the court within one day after receiving notice of it's existence.

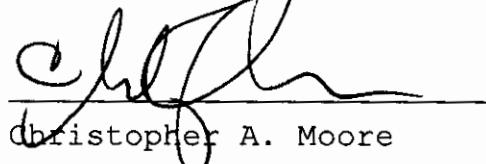
Respectfully Submitted



Christopher A. Moore

Plaintiff

Respectfully Submitted



Christopher A. Moore

Administrator, Mary Moore Estate

The following documents are associated with this filing:

- 1) Response to Memorandum and Order of January 26, 2006
- 2) Application to proceed without prepayment of fees
- 3) Copy of Land Court Finding
- 4) "Final Notice and Demand" from Boston Water and Sewer

TAX TITLE #01-2146

LAND COURT
DEPARTMENT OF THE TRIAL COURT
TAX LIEN CASE NO.: 126226

COPY

City Of Boston

vs.

Christopher A. Moore

FINDING

In this case, upon representation by counsel for the plaintiff that the amounts set forth herein are those due and necessary to cover the requirements of law, the Court finds that the above defendant(s) may redeem upon payment to the plaintiff, on or before 11/07/2005, the sum of \$11,647.07 plus interest, ^{Waived - DDP} ~~and legal fees in the amount of \$500.00~~, as allowed by statute from the date of this Finding to the date of payment, and Land Court costs in the amount of \$233.88.

Deborah J. Patterson
Recorder

Dated: *September 8, 2005*

COMMISSION

WATER

SEWER

DEPARTMENT



ACCT # 251376 WARD # 14
SHUT-OFF AMOUNT: \$4,807.33
SHUT-OFF DATE: Mar 28, 2006

Customer must pay the shut off amount (which may include tax and interest) plus any amount received BEFORE this date in payment for past due amounts. Customer will also be required to pay a water turn-on fee of \$100.00. If service is not interrupted, payment should be made in person at the Massachusetts Water and Sewer Commission, 980 Harrison Avenue, Boston, MA 02134. If service is scheduled for shut-off, **Payment must be made in cash (at the Commission's offices) or by a certified check or bank**

Customer may be eligible for grants or funds distributed under the low income heating assistance program. If so, and provided appropriate documentation is presented to the Commission, service may be restored.

Customer may have water service continued or restored under certain circumstances and under the conditions set out in the Commission's

CONTINUATION OF WATER SERVICE MAY RESULT IN A \$5,000.00 FINE.

For more information, contact the Commission at 617-989-7070.

DO NOT TURN OFF YOUR WATER SERVICE OR YOUR RIGHT TO WATER WILL BE FORFEITED. PLEASE READ THE REVERSE SIDE OF THIS NOTICE.

IF YOU DO NOT UNDERSTAND THIS NOTICE, PLEASE HAVE IT TRANSLATED.

SI NO ENTENDE LA NOTA,

SI NO ENTENDE LA NOTA, SI POR FAVOR MANDARLO TRADUCIR.

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